

## REMARKS

### I. Introduction

Claims **48**, **52-65**, and **68-75** are currently pending in the present application. Claims **48**, **52**, and **73-75** are independent.

All pending claims stand *solely* rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 4,922,522 (hereinafter “Scanlon”).

Upon entry of this amendment, which is respectfully requested, claims **48**, **52**, **54**, **57-58**, **63-64**, and **73-75** will be amended to alter language solely to conform with the Examiner’s grammatical suggestions. In other words, while Applicants respectfully disagree with the Examiner’s interpretation of the phrase “exclusively associated with” as being an “oxymoron”, Applicants amend the language herein to provide a grammatical alternative that is believed to be in conformance with the Examiner’s beliefs, while still describing the desired embodiment in substantially the same way. These amendments are not provided for any reason related to the prior art of record, and Applicants hereby expressly reserve the right to pursue claims directed to the original language in one or more continuing applications. Claim **68** is amended herein to recite a limitation mentioned during the telephonic interview described herein. No new matter is believed to be introduced by these amendments.

Applicants hereby respectfully request reexamination and reconsideration of the pending claims in light of the amendments and remarks provided herein and in accordance with 37 C.F.R. §1.114.

### II. Interview Summary

Applicants thank Examiner Leiva and Primary Examiner Scott Jones for speaking via telephone with Applicants’ undersigned representative on July 24, 2008 (hereinafter the “Interview”). In the Interview, Applicants’ representative discussed how the claimed embodiments are intended to describe systems and methods where a customer can purchase a lottery ticket and request that the purchased lottery ticket have numbers that are exclusive for that lottery drawing (or limited to some other number of occurrences, which may be set by the customer, for example). It was also discussed that while Scanlon

describes a system where the customer gets lottery numbers and is told whether the numbers are exclusive or not, the only way that the customer can get “exclusive” numbers is by dumb luck or trial and error. In other words, the customer in Scanlon cannot *request* an exclusive lottery number combination (or limited-occurrence lottery number combination) and then be provided, in response thereto, with the requested exclusive combination.

The Examiner, however, expressed concern regarding the current claim language that described the lottery numbers as being “exclusively associated with” only a single lottery ticket. The Examiner believes this language somehow leaves open the possibility that the lottery numbers could be sold to another customer with the purchase of a different lottery ticket. While Applicants do not understand the Examiner’s interpretation of the above-quoted language and accordingly do not agree with the Examiner’s interpretation, Applicants’ representative suggested, in the Interview, that the language could easily be changed to an alternative grammatical expression that also expresses the limitation intended by Applicants for the claimed embodiments.

Accordingly, the amendments presented herein are believed to be in accordance with the Examiner’s suggestions as they eliminate the recitation of the word “associated” (with which the Examiner took the most offense), while maintaining the recitation of limitations that describe the customer being able to request that exclusive lottery numbers be purchased (or lottery numbers with pre-defined levels of exclusivity).

In the Interview, the Examiner stated that such amendments should cause the Examiner’s interpretation of the claims to alter such that the current §103(a) rejections over Scanlon would be *moot*. The Examiner noted that another search would be conducted.

Accordingly, in light of the agreement from the Interview and the amendments provided herein, Applicants respectfully request that the current §103(a) rejections over Scanlon be withdrawn.

### III. Conclusion

At least for the foregoing reasons, it is submitted that all pending claims are now in condition for allowance, *or in better form for appeal*, and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remain any questions regarding the present application or the cited reference, the Examiner is cordially requested to contact Carson C.K. Fincham at telephone number 203-461-7017 or via e-mail at [cfincham@walkerdigital.com](mailto:cfincham@walkerdigital.com), at the Examiner's convenience.

### IV. Fees and Petition for Extension of Time to Respond

Enclosed herewith is the appropriate **\$810.00** fee for filing of a Request for Continued Examination (RCE), for which this Amendment is an RCE Submission.

While no other fees are believed to be due at this time, please charge any fees that may be required for this Amendment to Deposit Account No. 50-0271. Furthermore, should an extension of time be required, please grant any extension of time which may be required to make this Amendment timely, and please charge any fee for such an extension to Deposit Account No. 50-0271.

Respectfully submitted,

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Date

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